

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GREGORY STESHENKO,)	Case No.: 09-CV-05543-RS (PSG)
)	
Plaintiff,)	ORDER DENYING THE COLLEGE
)	DEFENDANTS' REQUEST FOR A
v.)	STAY AND MODIFYING THE APRIL
)	22 ORDER
THOMAS MCKAY, ET AL.,)	
)	(Re: Docket No. 372)
Defendants.)	

Defendants Cabrillo Community College District, Thomas McKay, Dorothy Nunn and Anne Lucero (collectively, the “College Defendants”) request a stay of the order dated June 22, 2012 (“June 22 order”) requiring them to produce emails of Dorothy Nunn (“Nunn”) from September 1, 2008 to December 31, 2009 without further delay. These emails were requested by Plaintiff’s Request for Production No. 46, which the College Defendants chose not to address in any way in its opposition to the motion giving rise to the original April 25 order that was reaffirmed by the June 22 order. The College Defendants request a stay to allow a meaningful opportunity to seek relief from the June 22 order from the presiding judge.¹ Having reviewed the request,


IT IS HEREBY ORDERED that the College Defendants’ request for stay is DENIED and the June 22 order compelling production of Nunn’s emails is MODIFIED as follows.

¹ See Docket No. 381.

1 While the court remains loath to credit arguments never previously presented, the College
2 Defendants have now confirmed that Nunn's emails include materials the court has previously
3 determined to be off-limits in this case. To avoid any inconsistency created by the College
4 Defendants' failure to present complete arguments, and to avoid undue burden to the presiding
5 judge, the court finds it appropriate to modify its April 22 order to permit the College Defendants
6 to exclude from the Nunn production the same student records, other student complaints, and other
7 identifying information previously excluded by the court from production required in response to
8 RFP Nos. 1, 8, 13, and 14.

9 **IT IS SO ORDERED.**

10 Dated: 7/12/2012



PAUL S. GREWAL
United States Magistrate Judge